

October 01, 2019

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA, MET THIS DAY IN REGULAR SESSION.

PRESENT: Chairman Ronald H. Milton, Vice-Chair Philipp von Hanstein, Commissioners Donald Harris and Ben Riden, Jr.

STAFF: Procurement Director Mark Williams, County Attorney Christian Henry and County Clerk Leslie Brandt.

ABSENT: Commissioner Andy A. Ainslie, Jr.

Commissioner Milton called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

Commissioner von Hanstein gave the invocation.

APPROVAL OF AGENDA

Motion made by Commissioner Riden, Seconded by Commissioner von Hanstein to approve agenda with the addition of Recreation Department Purchase as item number 15 under New Business and Potential Litigation under Executive Session. Unanimously Approved.

MINUTES

September 03, 2019 Minutes

September 17, 2019 Minutes

MOTION by Comm. Harris seconded by Comm. von Hanstein to approve the minutes as presented. Unanimously Approved.

CALENDARS

County Manager, Adam reviewed the calendars for October, November and December 2019.

CONSENT AGENDA

1. Motion to accept as information the September 2019 payables to include General Fund in the amount of \$488,877.71, TSPLOST in the amount of \$152,078.98, SPLOST in the amount of \$58,714.63, General Fund electronic payments in the amount of \$94,059.52 and the September 2019 financials.

MOTION by Comm. Harris, seconded by Comm. von Hanstein to approve the consent agenda as presented. Unanimously Approved.

HARDSHIP VARIANCE APPEAL

Planning Director, Chuck Jarrell stated his office denied Mrs. Jaramillo's request to place a new multi-section manufactured home next to her home for her parents due to medical issues. Jarrell noted that Mrs. Jaramillo has ample acreage and road frontage to subdivide her property to create a standalone parcel. If she creates a new parcel, she would be able to place a new home for her parents. A second option would be to apply for a conditional use approval for an accessory dwelling on the property meeting the requirements of Chapter 7.2. With the two available options, the planning staff denied the hardship request.

Denise Jaramillo spoke before the Board to appeal for a hardship variance to care for her elderly parents. Her mother has also been diagnosed with stage 4 lung cancer, and she is their only caregiver. She expressed that the options available under the zoning ordinance would be a hardship on her family. The piece of property suggested by the planning staff is too far away for her to access her parents in a timely manner. Mrs. Jaramillo stated they would remove the home and restore the property after the need no longer exist.

MOTION by Comm. Riden, seconded by Comm. von Hanstein to approve the hardship variance with stipulations worked out with the Planning Department to remove the home after the need is no longer necessary. Unanimously Approved.

RESOLUTION TO EXTEND MADISON LAKES DEVELOPMENT AGREEMENT (2019-RES-007)

The Planning office received a formal request from Walton Global Holdings to extend the Development Agreement between Morgan County and Madison Lakes, LLC, originally executed on November 2, 1999 and extended to November 2, 2019 when assigned to Walton Georgia, LLC in January of 2016.

Walton continues to pursue builders capable of sustaining the development under the current agreement and would like to respectfully request a five-year extension of the agreement to November 2, 2024 to allow them to identify and contract with a viable building partner.

MOTION by Comm. von Hanstein, seconded by Comm. Riden to approve the resolution to extend Madison Lakes Development agreement (2019-RES-007) to November 2, 2024 as presented. Unanimously Approved.

DISCUSSION ON EMS

County Manager Adam Mestres discussed the agreement for ambulance service between Morgan County and National EMS. The current agreement will expire at the end of October 2019. The question has been raised about whether or not the County should put the ambulance service out for bid. However, the County has been informed that National EMS holds the zone for Morgan County. Therefore, the County cannot bid out the service. The County does have the option to not renew the agreement, but the County does not have the option to change providers.

LEROY MORRIS IS REQUESTING CONDITIONAL USE APPROVAL TO OPERATE AN ANIMAL PROCESSING FACILITY ON 59.96 ACRES LOCATED AT 1612 MERGENDOLLAR ROAD (TAX PARCEL 002-031B)

Leroy Morris is requesting a conditional use approval to operate a deer processing business out of his barn located at 1612 Mergendollar Road. The property is adjacent to another property owned by the applicant which contains the applicant's home. The barn and the home share a driveway, which follows the property line. The proposed location is a barn that, according to the Tax Assessor's was constructed in 2004 and a building permit could not be located between the years 2002-2006 for the address. If approved, the structure will require an inspection prior to the issuance of an Occupational Tax Certificate. The subject parcel is zoned AG (Agricultural). Animal processing is a conditional used in the AG zoning district.

The Planning Staff has no concerns regarding the application. The applicant will have to provide an approved storage permit for DNR and pass a site inspection prior to the issuance of an Occupational Tax Certificate. The Planning Commission voted unanimously to approve the conditional use request.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Riden, seconded by Comm. von Hanstein to approve the conditional use request to operate an animal processing facility on 59.96 acres located at 1612 Mergendollar Road (Tax Parcel 002-031B) as presented. Unanimously Approved.

ALLEN DIAL IS REQUESTING CONDITIONAL USE APPROVAL FOR AN ACCESSORY DWELLING ON 11.57 ACRES LOCATED AT 3371 FAIRPLAY ROAD (TAX PARCEL 009-019D)

Allen Dial is requesting a conditional use approval for an accessory dwelling to be attached to his primary dwelling located on 11.5 acres at 3371 Fairplay Road. The building permit for the primary dwelling has already been issued and construction has started. The applicant submitted a separate site plan showing the location of the house and attached accessory dwelling. The applicant was informed they could not construct the accessory dwelling without conditional use approval. The proposed accessory dwelling will be attached to the main dwelling and will house the applicant's in-laws.

The Planning staff has no issues with the accessory dwelling conditional use request. The applicant also requested the ability to construct the dwellings concurrently, and the Planning staff is supportive of the request. The Planning Commission voted unanimously to approve the conditional use request.

CHAIRMAN MILTON ALLOWED PROPONENTS

Chris Wilson of 3291 Fairplay Road spoke in favor of the conditional use request. Mr. Wilson is an adjacent property owner.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Riden, seconded by Comm. Harris to approve the conditional use request for an accessory dwelling on 11.57 acres located at 3371 Fairplay Road (Tax Parcel 009-019D) as presented with the condition to construct the dwellings concurrently. Unanimously Approved.

ALLEN DIAL IS REQUESTING A VARIANCE TO THE MINIMUM SIZE FOR AN ACCESSORY DWELLING ON 11.57 ACRES AT 3371 FAIRPLAY ROAD (TAX PARCEL 009-019D)

Allen Dial is requesting a variance to the minimum size for an accessory dwelling. The proposed plan is 1,044 heated square feet with a 175 square foot screened porch. The total heated and unheated is 1,219

square feet. The Morgan County Zoning Ordinance allows a maximum of 800 heated square feet and a maximum of 1,000 total square feet.

The Planning Commission voted 5-1 to approve the variance request.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Riden, seconded by Comm. von Hanstein to approve the variance request to the minimum size for an accessory dwelling on 11.57 acres located at 3371 Fairplay Road (Tax Parcel 009-019D) as presented. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS PROPOSING TEXT AMENDMENTS TO ARTICLES 3, 5 & 7 RELATED TO BUILDING DEFINITIONS AND SETBACK REQUIREMENTS

The Planning and Development department has experienced an increase in builders who cannot, or will not, work within established setbacks. Contradictions in the zoning language have prevented the Building Inspector and Code Enforcement from successfully enforcing the setback ordinances when these situations arise. This issue has also extended to the distance required between buildings. The Planning and Development office is proposing to condense and simplify the definitions.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Riden, seconded by Comm. von Hanstein to approve the proposed text amendments to Articles 3, 5 & 7 related to Building Definitions and Setback Requirements as presented. Unanimously Approved.

AG BOARD OPENING

Barbara Cumming submitted an application to be reappointed to the Ag Board with term ending June 30, 2022. No other applications were received.

MOTION by Comm. von Hanstein seconded by Comm. Harris to reappoint Barbara Cumming to the Ag Board with term ending June 30, 2022. Unanimously Approved.

BUDGET AMENDMENT

The County received two grants through GEMA that require amendments to the budget. We received a Hazard Mitigation Grant in the amount of \$16,000 to fund the preparation of the County's Hazard Mitigation Plan. The grant revenues will fund the entire project. The County also received a HMGP grant in the amount of \$36,337.50 to purchase three trailer mounted message boards. The project requires a

15% match, \$6,412.50. The County's match will need to be transferred from contingency. The budget amendment will increase federal grants by \$52,337.50 and transfer \$6,412.50 from contingency to emergency management to cover the cost for both projects.

MOTION by Comm. Riden seconded by Comm. Harris to the budget amendment as presented. Unanimously Approved.

NRCS LEASE AMENDMENT REQUEST

NRCS is requesting to amend the lease extension that was approved from 3-years at the August 6, 2019 Board meeting to a 5-year extension.

MOTION by Comm. Riden seconded by Comm. von Hanstein to table the NRCS lease amendment request until the October 15, 2019 Board meeting. Unanimously Approved.

RECREATION DEPARTMENT PURCHASE

A line item for underbrush cutting at the soccer complex was allocated for they FY2020 budget. A purchase order was originally approved for \$9,000 for the underbrush cutting. The Recreation Department is requesting a continuation of services for the original purchase order for an additional \$3,000 (totaling \$12,000 for all under brush cutting at the soccer complex).

MOTION by Comm. von Hanstein seconded by Comm. Harris to approve the additional allocation of \$3,000 for underbrush cutting at the soccer complex. Unanimously Approved.

COUNTY MANAGER'S REPORT

County Manager, Adam Mestres, presented a monthly overview of Morgan County government's current projects and/or issues. (COPY: Miscellaneous Book)

MOTION by Comm. von Hanstein seconded by Comm. Riden to award the road resurfacing project to Pittman Construction in the amount of \$1,334,788 to be paid from LMIG and TSPLOST funding as presented. Unanimously Approved.

PUBLIC COMMENTS ON AGENDA ITEMS

Public comments were made by:
Paula Sellers, Morgan County Resident
Gary Savage, Morgan County Resident
Scott Sellers, Morgan County Resident

EXECUTIVE SESSION – REAL ESTATE AND POTENTIAL LITIGATION

MOTION by Comm. Ainslie seconded by Comm. Riden to enter Executive Session to discuss real estate and potential litigation. Unanimously Approved. (Original signed Affidavit in Executive Session Legal Requirement Book).

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit Executive Session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to enter Regular Session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit regular session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to adjourn. Unanimously Approved.

Ronald H. Milton, Chairman

ATTEST:

Leslie Brandt, County Clerk